



South Carolina House of Representatives

# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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## Significant Bills Ratified This Session

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Here are summaries of the significant bills ratified or signed into law this session. The bills are listed under broad categories to make them easier to find. Not all the bills that have been ratified are on this list. Only the most significant bills, or bills receiving public or media attention, are included here.

Not included on this list are two important bills still before conference committees: H.3739, the Local Sales and Use Tax, and H.3879, Modernizing of the Legislative Article. Summaries of these bills will be distributed when they are finalized.

Also not included is a summary of the 1989 Appropriations Bill (H.3600) and Capital Reserve Fund Bill (H.3602). The House Ways and Means Committee staff is putting together a summary and narrative of these bills, which will be sent to House members under separate cover.

Later this summer, a more comprehensive list of new acts will be distributed in the 1989 Post Session Report.

## Children

### CHILD SUPPORT ENFORCEMENT

H.3699, ratified June 14, 1989.

This lengthy bill would conform state child support laws to the 1988 Family Support Act, enacted by Congress. Without enactment of these changes, the state would be subject to between \$1 million to \$5 million in AFDC sanctions. The bill provides that:

1. Child Support Guidelines developed by the Department of Social Services in 1987 must be used to establish child support awards. That is, the Family Court may depart from using these guidelines if their application would be inequitable or unjust to the parties or child involved. Presently, the Family Court may use these guidelines in determining child support awards. The House amended this section to require approval of the guidelines by the General Assembly. These changes would be implemented in 1990.
2. Genetic testing would be made mandatory in contested paternity cases when one of the parties requests the tests. The federal government would pay 90 percent of these costs in AFDC cases.
3. Parents of children under the age of 3 would be exempt from participation in the Work Support Program. Presently, parents can be exempted if the child is under the age of 6. The purpose of this program is to get AFDC families off public assistance and financially independent by requiring that they participate in training, education and job-search activities. The effective date would be Oct. 1.

#### HANDICAPPED INFANTS AND TODDLERS

*S.521, signed into law May 31, 1989.*

Under this bill, a 15-member State Interagency Coordinating Council is created to advise DHEC on developing and administering a comprehensive system of early intervention for handicapped infants and preschoolers. Children with these conditions will be sought out by DHEC and a plan devised for early intervention in order to minimize developmental delays caused by the handicapping conditions. This intervention would include assessment and assistance with physical, emotional, speech and language or other problems. The aim of the bill is to ultimately decrease the need for institutionalizing these children and the need for special education in the public schools. The federal government has given the state a three year grant to begin work on a comprehensive program of services and education for these children.

Please note: In addition to the above initiative for children ages newborn through age 2, the Appropriations Bill requires the use of existing federal, state, local and private funds to pilot test programs of special education and related services for handicapped children ages 3 through 5 years. The pilot test is to facilitate the selection of a service delivery system for handicapped children in this age group and data collection so that the General Assembly may make an informed decision in 1991 when federal law requires states to provide special education and related services to all 3 to 5-year-old handicapped children or lose federal funds.

CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN

*H.3414. signed into law May 22, 1989.*

This legislation is designed to enhance the delivery of services to severely emotionally disturbed children and youth, who have exhausted existing treatment services. Under this legislation, a commission would be created to oversee the continuum of care. The commission would be supported by an advisory council made up primarily of agency and private experts in the field.

The continuum would augment existing resources by providing or procuring services to complete the range of services needed by these children.

Consumers

LEMON LAW

*S.503. signed into law June 5, 1989.*

This law provides recourse for consumers when they buy new cars that turn out to be "lemons." The act allows 12 months or 12,000 miles for a new vehicle to conform to the manufacturer's express warranty. If the car is not satisfactory and the manufacturer or dealer cannot correct it "after a reasonable number of attempts," the bill requires the manufacturer to replace the vehicle or, at its option, refund the consumer the full purchase price less a reasonable allowance for the consumer's use. The bill outlines what would be considered a nonconformity that would trigger the redress.

Consumers would have to go through the manufacturer's informal dispute settlement or whatever consumer-industry arbitration in which the manufacturer participates before resorting to the redress described in the bill. Any action brought under this bill must begin within three years of delivery of the vehicle to the consumer.

The Consumer Advocate would have the authority to establish a 5-member State Arbitration Board. Any vehicle repurchased from a consumer could not be resold in this state unless the manufacturer certifies the repair with the Consumer Advocate and gives the buyer a 12-month/ 12,000 mile warranty. Additionally, manufacturers would be required to report to the Consumer Advocate any vehicles repurchased or replaced. Every subsequent purchaser of the vehicle would have to be notified that the vehicle was repurchased by the manufacturer.

## BINGO REGULATIONS

*H.3052, signed into law June 6, 1989.*

This legislation would overhaul current state statutes regulating bingo games in South Carolina. The legislation calls for the State Tax Commission to oversee the regulation of the game.

The act also outlines what information must be included in an application form submitted to the Tax Commission. This information would include the name of the outside promoter and all people who will work the bingo games. A promoter's license would be required annually with a license fee of \$1,000. An outside promoter may represent up to 10 organizations only.

Contracts with promoters must be in writing and stipulate the promoter's compensation, percentage of the net proceeds or both. The act outlines how the game must be conducted. It requires that a minimum of 60 percent of the gross proceeds taken in by the house be returned to the players in the form of prizes.

Each organization would be taxed an amount per player for each bingo session. The amount of the per player tax would be based on the class of bingo license the organization obtains -- the license classification dependent on the monetary amount of the prizes offered. A person must reside, or a non-profit organization must be located, in South Carolina for at least three years prior to licensing.

Under this act, non-profit organizations that contract with an outside promoter to conduct the game must have an organization representative present at the game. At the completion of the games, the promoter must turn over to the organization representative the gross proceeds less the prize money. There are requirements for various reports to be filed quarterly by promoters and the non-profit organization. Information such as, gross and net proceeds, expenditures and expenses, list of prizes offered and given, identification of winners of more than \$1,000, is to be included in these reports.

Every organization and promoter licensed to conduct bingo would have to be bonded separately. The minimum bond for a promoter would be \$20,000. The minimum bond for an organization would be determined by its bingo license classification.

Proceeds from bingo by a licensed organization may not be used directly or indirectly to support or oppose a candidate.

Half of the revenue received by the state for regulating bingo would be credited to the General Fund; 37.5 percent to the Parks, Recreation and Tourism Development Fund, and 12.5 percent to the State Commission on Aging.

**S.C. FAIR HOUSING ACT**

*S.4, signed into law May 9, 1989*

This lengthy legislation provides, within constitutional limitations, for fair housing throughout the state. The act makes it unlawful to discriminate on the basis of race, color, sex, religion, handicap, familial status or national origin when renting or selling housing. This would include advertising, which could not indicate a limitation or preference as to whom the property is available. Discrimination also is prohibited in connection with multiple listing services or other real estate organizations; in insurance of property; and in the making of loans.

Religious organizations or private clubs are not prohibited from limiting or giving preference to their own members when providing lodging owned by the organization or club.

The bill contains a number of provisions that ensure equal access to the handicapped in multifamily dwellings, and better housing opportunities for the elderly.

The State Human Affairs Commission will administer this law and investigate complaints.

**TAXPAYER'S BILL OF RIGHTS**

*S.202, signed into law April 24, 1989.*

The mission of this bill, to be administered by the State Tax Commission, is to help promote improved voluntary taxpayer compliance and to adequately protect the taxpayers' rights during the process of assessing and collecting taxes.

Under this bill, the commission will establish the post of Taxpayers' Rights Advocate, who would help resolve taxpayer complaints and problems. The Tax Commission also will step up its taxpayer education program, including information brochures written in non-technical language explaining the rights available to taxpayers. The bill prohibits the commission from using the amount of delinquent taxes collected to evaluate an employee's performance.

Further, the bill outlines the procedures the commission must follow when collecting unpaid taxes, including the use of written installment payment agreements for a 90 day period if it will facilitate payment. The bill gives the taxpayer the right to bring legal action for damages if a Tax Commission employee recklessly disregards the commission's procedures.

CONTINUING CARE RETIREMENT COMMUNITIES

*H.3847, signed into law May 22, 1989.*

The purpose of this act is to provide consumer protection for those who pay now for future retirement services. This bill further requires that retirement communities be licensed and that contracts between consumers and these communities meet certain standards. Also, complaint systems for residents must be provided and specific conditions and requirements are detailed concerning entrance fees and escrow accounts.

Education

TARGET 2000 SCHOOL REFORM BILL

*S.321, ratified June 14, 1989.*

Here are highlights of the bill:

To Provide in the Earliest Stages of Each  
Children's Experience the Best Possible  
Chance of Success

1. Early Childhood Education Program

Requires the expansion of early childhood education programs for "at risk" 4-year-olds to the remaining five school districts without a program. State-funded early childhood education is a half-day program provided to students whose parents allow their children's participation and who have predicted significant readiness deficiencies.

2. Parent Education Programs

Requires the State Board of Education to review and select or adapt a program which provides parents support as teachers of their preschool children. After a program is selected or adapted by the State Board, the program is to be piloted tested for two years (1989-90 and 1990-91) with statewide implementation phased-in in three years after pilot testing.

Districts may institute a program of the district's own design or selection if the program meets standards for initial approval established by the State Board of Education and thereafter meets evaluation standards.

Under the bill, parent education programs are designed to educate parents about child development and the learning process. The program would be provided for parents who have children ages birth through 5 years of age with priority for services given to parents of "at risk" children.

### To Reduce the High School Drop Out Rate

#### 3. Dropout Prevention and Recovery (District Programs)

Requires pilot testing of dropout prevention and retrieval programs for three years (1989-90, 1990-91, 1991-92) and a phase-in of statewide implementation over three years following pilot testing. Components will be tested for their effectiveness in retaining and recovering dropouts. The State Board of Education is required to establish standards for evaluating district dropout and prevention and retrieval programs, which include outcome measures after a program has been implemented in a school or district for a reasonable period of time.

If a district's program fails to meet the evaluation standards, the district board of trustees must submit a corrective action plan to the State Board of Education. Failure to implement the corrective action plan within six months is indicated in the district's accreditation classification. Districts will be required to give priority for the use of funds under this program to students below grade 10.

#### 4. Study of Driver's License Loss and Dropout Prevention

Requires the Business-Education Partnership Committee in consultation with the Select Committee to study requiring school attendance as a condition for a driver's license and report to the General Assembly by Jan.1, 1990.



To Emphasize Greater Understanding By  
Students of a Variety of Subjects  
Beyond Basic Skills in Order to  
Achieve Higher Order Thinking  
Skills and Creativity

5. Higher Order Thinking Skills and Creativity

Emphasizes the teaching and learning of higher order thinking, problem solving and creativity by requiring evaluations of teachers for instruction of higher order thinking, pre-service and in-service training of teachers in higher order thinking, selection and development of textbooks and supplemental materials developing higher order thinking skills, testing students for achievement in higher order thinking as a means of driving instruction and improved arts education.

Under arts education, the State Board of Education, in conjunction with the S.C. Arts Commission, is required to plan and develop a discipline-based arts education curricula in the visual arts, music, dance and drama. This arts education curricula must be piloted through the 1992-93 school year and include in-service teacher training. After piloting, arts education programs and funding must be phased-in over three years. In addition, the Joint Legislative Study Committee on Formula Funding must review whether or not arts education should be given a weighting under the Education Finance Act and report back to the Select Committee by December 1, 1990.

To Encourage Productive and Successful  
Schools to Initiate New and  
Innovative Ideas

6. School Flexibility and Innovation

Under one program, allows schools flexibility from state laws and regulations (DMP, BSAP, and Remedial/Compensatory Program) if schools meet criteria related to accreditation and student achievement in basic skills and in compensatory programs. Continuation of flexibility is contingent upon a school's students meeting prescribed standards of achievement.

Under another program, awards grants to schools on a competitive basis and in accordance with criteria to be established by the State Board of Education for schools to implement innovative and comprehensive approaches for improving student development, performance, and attendance. Awards may be made for planning and for implementation over a three year period.

An award for implementation may be made after the first three years if a specified standard is met at least once during the initial three years.

7. Center for the Advancement of Teaching and School Leadership

To assist a team of teachers and administrators from schools in designing and implementing meaningful change from within their schools, this provision establishes a center at a public college or university selected by the Commission on Higher Education. The program of intensive short term institutes must be provided through the center working in conjunction with cooperating colleges and universities in various regions of the state. The institutes will serve as "think tanks" for the teams to analyze the needs of their school and consider strategies for meaningful change with the assistance of resource persons knowledgeable in school effectiveness and change.

To Continue to Enhance the Stature  
of the Teaching Profession

8. Minority Teacher Recruitment

Requires the South Carolina Center for Teacher Recruitment to establish a program with the purpose of expanding the number of high achieving minority students entering teacher education programs.

To Strengthen the Accountability Provisions  
at the School, District and State Level

9. Business-Education Partnership/Business-Education Subcommittee

Places the Blue Ribbon Committee, which developed and monitored the Education Improvement Act, and its subcommittee in statutory law to cement the working relationship between the business and education communities.

10. School Improvement Councils

Strengthens school improvement councils, which are composed of parents, teachers, students, and other representatives of the community, charged with assisting in the preparation of an annual school improvement report and the development and monitoring of any school incentive awards.

The councils are strengthened by requiring school administrator training programs at the Education Department's Leadership Academy to include an emphasis on the use of councils and school-based improvement; college programs leading to certification as an administrator to include training on the effective use of councils, and by facilitating training of council members.

11. Public School Employee Cost Savings Program

Establishes a program to make cash awards to individual school district employees for cost savings ideas, which prove to be workable. After two years, the program must be self supporting with funds for the program then used for evaluation of Target 2000.

12. Partnership Between Individual Schools and Businesses

To foster beneficial relationships between individual schools and local businesses, this provision requires the State Board of Education, in consultation with the Business-Education Subcommittee, to appoint a leadership network of representatives from the private sector.

13. Oversight Committee

Establishes the Education Improvement Act Select Committee as the oversight committee for the programs and expenditures of Target 2000.

Testing Arrangements for Students  
With Learning Disabilities

14. Learning Disabilities and Exit Exam: Requires the State Board of Education to provide for an oral administration of the reading portion of the exit exam for students with documented learning disabilities if the students are unable to read the test because of the handicap. Unless the student passes the exit exam under standard test administration procedures, the student's permanent record and any other school documents containing exit examination results must state clearly that the reading test was a measure of the student's ability to process information read to him and the obtained score is not a measure of the ability to decode printed symbols.

Miscellaneous

15. Career Education:

Requires the State Department of Education to develop guidelines to include career guidance as a part of the general guidance program of the state.

16. Implementation

Provides that costs of implementing the programs are to be paid wholly from funds appropriated by the General Assembly and implementation is to take place only upon and to the extent of funding by General Assembly.

17. Staffing

Requires the State Board of Education to contract with the Division of Human Resource Management for a staffing analysis to determine the level, the position classifications and pay grades of additional staff required to implement Target 2000.

18. Effective Date

July 15, 1989.

### SCHOOL SEGREGATION

*S.354, signed into law March 31, 1989.*

This bill repeals the state statute still on the books prohibiting the integration of public schools.

### Elections

#### ABSENTEE BALLOTS

*H.3306, signed into law April 6, 1989*

This legislation allows people serving as state or federal jurors to vote by absentee ballot on election days.

#### ABSENTEE BALLOTS

*H.259, ratified June 14, 1989.*

This act allows those voters, who are admitted to a hospital as an emergency patient on or within four days prior to an election, to vote by absentee ballot.

### Environment

#### HAZARDOUS WASTE REGULATIONS

*H.3326, ratified June 14, 1989.*

Among the requirements of this new hazardous waste regulations are:

##### Better financial information

Upon written request of the Department of Health and Environmental Control, hazardous waste disposal companies must turn over to DHEC specific information regarding the company's financial integrity in order for DHEC to review the nature, degree and sufficiency of the financial backing.

Financial information about a parent company, subsidiary or affiliate may also be required. Information may include, but not be limited to, a certified audited financial statement, a balance sheet and a profit and loss statement.

The new act also allows DHEC to verify the information, if necessary, by examining the records or inspecting the property of the company in question. DHEC also may require sworn statements by officers or accountants of the company. The expense of gathering this information must be borne by the company, unless it is shown that the company had originally furnished DHEC with the full information requested.

#### Site Suitability Standards

Site suitability standards for locating hazardous waste storage, treatment or disposal facilities must be established by DHEC no later than June 1, 1990. Site suitability standards are to ensure long term protection of human health and the environment. Once the standards are established, any new facility seeking a Part B permit, or any established facility seeking to renew its Part B permit must meet the site suitability standards. Failure to meet the standards will mean conditions of the permit have not been met.

#### Hazardous Waste Management Research Fund

The act creates the Hazardous Waste Management Research Fund, established to research waste minimization and reduction and more effective ways for government to respond to uncontrolled hazardous waste sites. Of fees collected from waste disposed of in the state, \$5 a ton will be credited to the Hazardous Waste Management Research Fund. The research will be conducted by the South Carolina Universities Research and Education Foundation through its International Institute for Waste Management. Research must be aimed at assessing the impact of current waste practices on the environment and public health, better methods of cleaning up abandoned or uncontrolled waste sites, and research, and recommending more cost effective waste management techniques. An annual report on the research will be submitted to a 10-member Hazardous Waste Management Select Oversight Committee.

### Prohibitions on Out-of State Waste Generators

In addition to giving preference to in-state hazardous waste generators, the act makes it unlawful for any hazardous waste facility to accept waste from a state or political jurisdiction which prohibits by law the treatment, storage or disposal of waste, or which has not entered into the federal Comprehensive Environmental Response, Compensation and Liability Act. Written documentation of the state or political jurisdiction's policies on this issue must be submitted to DHEC.

### Fee Increases

Fees for in-state hazardous waste landfilled in South Carolina will increase from \$13/ton to \$25/ton.

For any out-of-state waste received at a South Carolina facility, the per ton fee will increase from \$18/ton to a minimum of \$30/ton.

Fees will be distributed as follows:

- The \$12 increase in in-state disposal fees will be distributed as follows: \$5 to the Research Fund; \$5 to Uncontrolled Sites Fund and \$2 to DHEC.
- The \$12 increase in out--of-state disposal fees will be distributed as follows: \$5 to the Research Fund; \$5 to Uncontrolled Sites Fund; \$1 to DHEC and \$1 to Sumter County.

### INFECTIOUS WASTE MANAGEMENT ACT

*S.267, signed into law June 8, 1989.*

This legislation defines material that constitute infectious waste and allows DHEC to further inspect, obtain samples and conduct research pertaining to the operation of infectious waste generation and management sites. The authority to collect fees was granted to DHEC in last year's Appropriations Act. The present fees are \$13/ton for in-state waste and \$18/ton for out-of-state waste.

Under this act, DHEC may set standards for containment, storage and disposal of materials identified as infectious waste.

Criteria for permits for generators and registration by transporters of waste is detailed. For example, it will be unlawful for a South Carolina facility to accept waste from a state that prohibits storage, treatment or disposal within their state. Any new facility or expansion of an existing facility must be based solely on South Carolina needs.

Fines for violations are set at \$10,000 daily and/or 1 year imprisonment for first offenders and \$25,000 a day and/or 2 year imprisonment for second and subsequent offenses.

Two-thirds of all fees collected will be credited to the Infectious Waste Contingency Fund. One-third of the fees collected will be distributed to the counties where the facilities are located. When the Infectious Waste Contingency Fund balance reaches \$1 million, then two-thirds of all fees collected will be credited to the Hazardous Waste Contingency Fund.

Hospital and non-commercial treatment facilities are exempted unless they treat waste from outside sources.

### SCENIC RIVERS ACT OF 1989

*H.3353, signed into law May 22, 1989*

The bill would create the South Carolina Scenic Rivers Acts of 1989 to provide for the protection of selected rivers and river segments unique for their scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural value.

The state Water Resources Commission would be authorized to oversee the program, beginning with an inventory of all the state's rivers, identifying rivers or river segments with unique characteristics.

The bill outlines the process the Water Resources Commission must follow when designating a river or river segment as falling under this proposed act. Under this process, which would include public hearings and a local advisory board, the state would purchase land adjacent to the rivers designated as scenic, or have the property donated. If the land is donated, the landowner would be eligible for a state income tax deduction. Any land donated under this act would revert to the owner if it ceases to be used for the purpose it was donated.

The bill also would create the Scenic Rivers Trust Fund, administered by the commission, to acquire fee simple or lesser interest in land adjacent to scenic rivers or river segments. Gifts or donations, state or federal funds may be placed in this fund.

The bill also outlines the way the rivers may be managed by the commission.



Government Operations

GOVERNMENT FURNITURE PURCHASES

*S.93, signed into law June 5, 1989.*

This act will set up stricter guidelines for the decorating and furnishing of state offices. Under this act, all purchases of office furniture, wall or floor coverings or any other decorative items in excess of \$500 for use in:

- An office or adjoining reception area used by an agency director or assistant director; or,
- In a board or conference room

must be proceeded by a report to the appropriate governing board, council or commission. These reports must include the items to be purchased and the price. The governing board, council or commission of the agency must approve the purchase.

RATIFICATION OF THE 25th AMENDMENT

*S.328, ratified May 4, 1989.*

With this joint resolution, South Carolina has ratified the U.S. constitutional amendment regarding presidential succession. The amendment was proposed in 1965 by the Congress to provide for procedures for the Vice President to assume the office of President should the President die, resign, or be removed. The amendment also provides for the Vice President to assume the highest office should the President be unable to discharge his duties. It further outlines procedures for the Congress to follow to decide the issue should there be a conflict between the Vice President and the President over the Vice President's assumption of the executive role. The amendment also provides that the President may appoint, with congressional confirmation, a Vice President should a vacancy occur.

This amendment was ratified by two-thirds of the states in 1967. Ratification of this amendment by South Carolina is a legislative housekeeping measure.

Health

ANABOLIC STEROIDS

*S.281, signed into law May 30, 1989.*

This legislation makes it unprofessional for a practitioner to prescribe, dispense or administer anabolic steroids in order to build up muscle mass if there is no medical necessity or simply for the reason of improving performance in a sport or game. The act also sets up a series of misdemeanors and felonies for possession or distribution of anabolic steroids.

Possession of a minor amount -- 10 or fewer tablets -- without a valid prescription would be punishable by 30 days in jail or a \$200 fine for first offense; 6 months or \$1,000 for second offense. Possession of more than 10 but fewer than 100 tablets would be punishable by 6 months in jail and/or a \$1,000 fine. Second offense would result in one year in jail and/or a \$2,000 fine.

Under this act, it is a felony to prescribe, deliver, dispense or administer anabolic steroids except in the course of professional medical practice. It also is a felony to deliver steroids for unprescribed use. Possession of more than 100 but less than 1,000 tablets (or four or more 2cc bottles of anabolic steroid liquid) would constitute "intent to distribute," which would be a felony.

In these cases, first offense would be punishable by five years in jail and/or a \$5,000 fine. Second offense would bring a 10 year sentence and/or a fine of no more than \$10,000. Possession of 1,000 or more tablets, or 500ml or more of anabolic steroids, would constitute trafficking, punishable by up to 10 years in jail and/or a \$10,000 fine. No part of the sentence could be suspended or subject to probation.

MEDICAID NURSING HOME BEDS

*S.573, signed into law May 22, 1989.*

With a waiting list of over 600 Medicaid patients, this act authorizes DHEC to construct an additional 1,500 Medicaid certified nursing home beds through the Certificate of Need program. The act also authorizes funds to be provided to pay for the care given to the additional Medicaid patients when these new beds are constructed and certified.

Because the additional nursing home beds will not be available for patient care during the 1989-90 fiscal year, the State Health and Human Services Finance Commission is authorized to contract with nursing homes in Georgia and North Carolina to provide care for South Carolina Medicaid patients. However, before a patient could be admitted to a Georgia or North Carolina nursing home, this action must be approved by the Community Long Term Care program.

The act requires the State Health and Human Services Finance Commission to expand the hospital "swing bed" program to the maximum extent allowed by federal law. "Small rural hospitals" also are authorized to convert a portion of their licensed hospital beds to Medicaid-certified nursing home beds.

## Industry

### RURAL ELECTRIC CO-OPS

*H.3398, signed into law May 10, 1989.*

This bill proposes several changes in connection with the voting procedures of electric cooperatives. Proxy voting still would be permitted, but a cooperative member may not act as proxy to more than three other members. The legislation also outlines how a member of the cooperative's trustee board may be removed from office, and how a successor may be elected. This provision does not apply to a cooperative in which a majority of the members are other cooperatives.

In addition, the bill also details how a cooperative can be dissolved. This process would include a two-thirds vote by the trustee board recommending dissolution, and a special members meeting called solely for a vote on the dissolution. Voting must be by written or machine ballot. Absentee ballots would be obtained under certain conditions outlined in the bill.

Voting at the special meeting would be held from 7 a.m. to 7 p.m. on the meeting day. A two-thirds vote by the members of the cooperative would be required for dissolution.

### AIRLINE HUB FACILITIES

*H.3554, signed into law June 6, 1989.*

This bill provides for state bonds to be issued as matching funds to help in construction of an airline hub terminal in the state. No more than \$50 million in state bonds could be issued. The personal property of any airline using this terminal would be exempt from state property tax for ten years. An airline hub facility can accommodate at least 20 commercial airline departing flights a day on which the general public can fly 7 days a week, 52 weeks a year.

### FEE IN LIEU OF TAXES REVISITED

*H.3459, signed into law June 6, 1989.*

This act clarifies and modifies the language of existing law which allows counties to negotiate a fee in lieu of taxes for projects with an investment of at least \$85 million in a lease or lease purchase agreement.

These changes:

- Clarify that the normal 6 percent assessment on undeveloped property is due before the project is completed but after it is purchased by the county.
- Provide counties the option of using an adjustable millage rate.
- Allow the corporation to use either fee in lieu of taxes or corporate headquarters exemption, but not both.
- Require that a minimum \$85 million investment must be made within five years of date of execution.
- Require the calculation of net present value be based on U.S. Treasury Bonds.
- Exempt payment from EIA inflationary requirements if set at a fixed rate.
- Allow the millage rate to be adjusted every fifth year to the average actual five year millage rate.

Insurance

AUTOMOBILE INSURANCE REFORM ACT

*H.3695, effective without governor's signature June 8, 1989.*

Highlights of the bill include:

*Reduction for Safe Drivers*

Mandatory Rate Rollback

All South Carolina drivers would see an across-the-board mandated rate reduction of 5 percent after September 30, 1989. Estimated savings \$27.

Increase in Safe Driver Discount

Those qualifying for the Safe Driver Discount would see more savings. The act requires the Safe Driver Discount to be increased from 15 to 20 percent by those insurance companies whose Safe Driver Discount is at 15 percent. Currently, an estimated 60 percent of the drivers in South Carolina are receiving a 15 percent Safe Driver Discount. Estimated savings \$27.

Reduction of Recoupment Fee

For those drivers who have zero merit rating points (good drivers), the recoupment fee would be reduced by 50 percent. The recoupment fee, charged to all insured drivers, goes back to the Reinsurance Facility to cover the losses of those drivers ceded to the facility. Under this provision, the losses from the 50 percent reduction would be redistributed among the drivers ceded to the facility, which means their recoupment fees will increase substantially. Estimated savings for the good driver \$36.

*Uninsured Drivers*

Proof of Insurance Upon Renewal of License

Any person applying to or renewing his driver's license must complete a proof of insurance form. Failure to complete the form would result in suspension of the license. People applying for licenses, who do not own a vehicle, must submit an affidavit stating that neither they nor any resident relative own a motor vehicle.

Minimum Insurance Coverage

The minimum insurance policy term would be 60 days under the House bill. The policy could not be cancelled except for bad check of proof the vehicle was sold.

Lapses in Insurance

Drivers who allow their insurance to lapse will be fined \$5 a day for the lapse in coverage. The Highway Department would be required to identify the lapses in coverage when the driver provides a proof of insurance form in response to a registration cancellation notice. The section makes provisions for military service and illness. Fines would be limited to \$200 for first offense.

Repeal of \$1 Uninsured Motorist Fee

Currently, one dollar of each driver's uninsured motorist premium goes to the State Highway Department for enforcement of the Uninsured Motorist statutes. The dollar fee is repealed by this act. Effective March 1, 1991.

*Consumer Protection and Information*

Shopper's Guide

The Chief Insurance Commissioner would be required to prepare and make available to the public a price shopper's guide for automobile insurance. The buyer's guide to be provided by the insurance companies was eliminated from the bill.

Notification of Ceded Policies

This provision, called the "Sunshine Amendment," would require an insurance company to inform a policyholder whether his policy has been ceded to the Reinsurance Facility. The request from the policyholder must be made in writing.

Consumer Advocate

The State Consumer Advocate is given more power to intercede on behalf of consumers. He may intervene in federal court representing the consumer's interest and may intervene in the rate making process before the State Insurance Commission.

Safety Belts

All front seat passengers would be required to wear seat belts under this act. This mandate would apply to those riding in the backseat if the vehicle is equipped with backseat shoulder belts. The provisions would be enforced through secondary enforcement with a \$10 fine for violations. Warning tickets will be issued for the first six months.

Recoupment Fee and Not-at-fault Driver

Insured drivers who are involved in accidents in which they are not at fault cannot have their recoupment fee raised as a result.

Unfair Trade Practices and Insurance Fraud

Overcharges in insurance cases would be violations of the Unfair Trade Practices statutes, and insurance fraud, now a misdemeanor, would be felonies, under these provisions.

Phantom Driver

If a vehicle is damaged by an unknown driver, the owner or operator may collect insurance even though there was no physical contact, provided a witness signs an affidavit attesting to the incident. The witness cannot be the owner or operator of the damaged vehicle.

*Structural Changes*

Removal of Mandated Personal Injury Protection Coverage

Under this act, Personal Injury Protection coverage is removed from the mandate to write. PIP is the only coverage currently mandated that was removed from this requirement. Estimated savings from this provision is \$11.

Expansion of Class Plans

The bill requires the Chief Insurance Commissioner to promulgate a uniform class plan with 240 classes, similar to the ISO 202 plan. Currently, South Carolina has 22 uniform classes as promulgated by the Chief Insurance Commissioner. This is up from 10 uniform classes in place from 1974 to 1988. Many states have no restrictions on the number of classes they may have.

The advantage of having a greater number of classes is that it allows a driver to be placed in a class that more closely parallels his own driving experience. The more classes, the more closely the rates can reflect individual circumstances.

Expenses Allowed Insurance Companies

The House-passed bill would restrict the expense figures used by the insurance companies in rate filings to no more than the average expense figures for the top ten most efficient companies.

Reinsurance Facility Cession Limits

The percentage of policies that an insurer may cede to the Reinsurance Facility is reduced from 40 percent to 35 percent.

Ceded Policies

All ceded policies must carry a \$250 deductible on comprehensive and collision. Safety glass is excluded from the deductible.

Attorneys Fees

This provision would amend the limit on attorneys fees to no more than one-third of the judgment. The current statute limits attorneys fees to \$2,500 or one-third of the judgment, whichever is less.



Defective Tail Lights and Driving Too Fast for Conditions

Automobile insurance premiums could not be raised for first offense driving with a defective tail light or for first offense driving too fast for conditions.

Reconstitution of the Reinsurance Facility Board

The board of the Reinsurance Facility would be restructured under provisions of the bill. The proposed board would increase from the current 17 to 21 members. Those added to the board would be an additional consumer representative, appointed by the governor, the chairmen of the House Labor, Commerce and Industry and Senate Banking and Insurance committees, and the State Consumer Advocate.

S.C. HEALTH INSURANCE POOL

*H.3216, signed into law June 30, 1989*

This legislation would create a nonprofit entity known as the South Carolina Health Insurance Pool, offering major medical coverage for those eligible state residents. All insurers who issue health insurance in South Carolina would be members of this pool. The pool's administration will be selected by the board through a competitive bidding process.

Any person who has been a resident of the state for six months and his newborn child is eligible for pool coverage if he can provide evidence that during the past six months: He has been refused health insurance for health reasons; has been refused health insurance except with a reduction or exclusion of coverage for a preexisting condition existing for 12 months; has been refused health insurance except at a rate higher than 150 percent of the pool rate.

Groups not eligible for pool coverage would be inmates, people eligible for a public health program, such as Medicaid; people diagnosed with AIDS. The pool's benefits are capped at \$250,000 for each person insured.

The bill also amends the current law relating to employees whose group coverage is terminated.

### AUTO INSURANCE FREEZE

*S.3, signed into law February 15, 1989.*

This joint resolution prohibits insurance companies from filing with the State Insurance Commission for automobile insurance rate increases until after July 1. The resolution allows companies to decrease rates, however.

### COMMINGLING OF HEALTH AND DENTAL RESERVE FUNDS

*H.3388, signed into law May 25, 1989.*

This legislation authorizes the retirement division of the state Budget and Control Board to transfer not more than \$8 million from the dental insurance account to the health insurance account, if necessary. Once the transfer is made no further transfers may be made without authorization from the General Assembly. If the Legislature is not in session, the Budget and Control Board may make the authorization.

## Judicial

### SENTENCING GUIDELINES COMMISSION

*H.3704, signed into law June 5, 1989.*

This legislation creates the South Carolina Sentencing Guidelines Commission. This commission, made up of 13 voting and 4 non-voting members, would develop a "rational and sound sentencing structure,...understandable and clear to the offender, the victim, and the community." On or before December 1, 1990, the commission will recommend sentencing guidelines for the General Sessions Court for all offenses for which a one year sentence or greater is allowed, for crimes allowing a year or less in jail time, and for offenders for whom traditional imprisonment is not considered proper. These recommendations are to be made to the General Assembly.

Additionally, the commission serves as a clearing house and information center on state and local sentencing practices. Recommendations to the General Assembly regarding changes in the criminal code, criminal procedures and other aspects of sentencing are also to be made, and must consider current sentencing and release practices and resources, including facilities presently available.

TERMS OF FAMILY COURT JUDGES

*H.3261, signed into law March 12, 1989.*

This legislation increases the terms of family court judges from four to six years.

FINGERPRINTING MINORS

*S.289, signed into law May 30, 1989.*

This bill revises the prohibition against fingerprinting a minor charged with committing grand larceny of an auto or other violent offenses. These fingerprint records are to be kept separate from adult fingerprint records. This bill provides certain conditions and circumstances for juveniles, committed to a juvenile correctional institution, to be photographed and fingerprinted. It also prohibits those records from being given to SLED, the FBI or any person or agency.

TRANSFER PETITIONS FOR MINORS

*S.102, signed into law May 30, 1989.*

This bill amends those sections of the code dealing with court transfers for minors charged with murder or criminal sexual conduct. This bill allows 30 days, rather than 48 hours, for filing a transfer petition from Family Court to General Sessions Court in cases involving a minor charged with the above offenses.

Law Enforcement

LAW ENFORCEMENT TRAINING COUNCIL

*H.3041, signed into law April 26, 1989.*

This legislation changes the makeup of the Law Enforcement Training Council and adds some specific requirements to the training of law enforcement officers hired in South Carolina.

This act changes the makeup of the state Law Enforcement Training Council to include the dean of the USC College of Criminal Justice instead of the USC law school dean, who currently serves on the council.

Under this legislation, a law officer who has been hired but not certified as trained by the Council would not have powers of "control or direction over the public" or the authority to arrest people, until the successful completion of a firearms course. All law enforcement officers must be certified by the Training Council within a year of their hiring date.

Exceptions to the one year certification rule would be military leave, being unable to complete training because of physical reasons, or proof that the officer has completed equivalent training acceptable to the Training Council. Certification is valid for three years.

All law officers would have to supply evidence of a high school degree or its equivalent and of their physical fitness; proof that the officer has not been convicted of a criminal act with a sentence of more than a year or a crime of moral turpitude; pass a background check including fingerprinting, and a birth certificate.

This legislation also increases the surcharge going to the Training Council from fines.

#### BOOTLEG RECORDS AND TAPES

*H.3693, signed into law May 22, 1989.*

This bill updates the current laws prohibiting the counterfeiting of records and tapes for commercial advantage or private gain. The bill expands the definition to include new mediums such as discs, video tapes or any other medium to be developed to record images or sound. The counterfeiting laws are amended to include rentals. The bill substantially increases penalties for violations, with punishments covering advertising, rental and distribution of counterfeit items.

#### Worker's Compensation

##### WORKER'S COMPENSATION TAX REDUCTION

*H.3195, signed into law May 22, 1989.*

This legislation will reduce the amount of worker's compensation tax insurers pay. Currently, the tax on worker's compensation premiums is 4.5 percent. Under this legislation, this tax will be reduced to 3.5 percent of the premiums collected during the 1990-91 fiscal year, and to 2.5 percent during the 1991-92 fiscal year and thereafter. The tax also is lowered for those who are self-insured.

WORKER'S COMPENSATION DEATH BENEFITS

*H.3657, signed into law April 24, 1989.*

This legislation will raise worker's compensation for the death of an employee from a minimum of \$25 per week to a minimum of \$75 per week.

WORKER'S COMPENSATION INSOLVENCY FUND

*H.3447, signed into law April 24, 1989.*

The State Worker's Compensation Insolvency Fund will be administered by the director of the Second Injury Fund rather than the director of the Worker's Compensation Fund with enactment of this legislation. The bill also empowers the director of the Second Injury Fund to establish procedures for collecting funds from legally obligated employers.

## **Bills Passed by the House**

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*Here is a list of important bills passed by the House this session. The Senate status of each bill also is listed.*

### **State-Run Primaries**

*H.3088, passed the House May 29, 1989.  
Pending before Senate Judiciary Committee.*

This bill would authorize the State Election Commission to conduct primary elections instead of political parties. Municipal elections would be excluded. Political parties could continue to conduct presidential preference primaries at their own expense.

### **Obscene Bumper Stickers**

*H.3053, passed the House May 10, 1989.  
Referred to the Senate Transportation Committee.*

This bill would make it a misdemeanor to operate a motor vehicle which has affixed to it a sticker, decal or emblem containing obscene or indecent words. Indecent is defined as "taken as a whole, it describes, in a patently offensive way, as determined by contemporary community standards, sexual acts, excretory functions, or parts of the human body; and, taken as a whole, it lacks serious literary, artistic, political or scientific value." Violators of this will be guilty of a misdemeanor and fined up to \$200.

S.65, the Senate's Obscene Bumper Sticker bill, is also before the House. It is on the second reading statewide contested calendar with seven objections.

### **School Children and Real Estate Ownership**

*H.3419, passed by the House April 19, 1989.  
Referred to Senate Education Committee.*

This bill would eliminate the provision in state law that allows a student to attend school in a district where he owns real estate but does not reside.

If enacted, the legislation would allow such students to complete the school year before being required to attend public school in his residence district. If the student is to graduate within two school years, he may remain in his current district until he graduates under this bill.

#### Parental Consent for Abortion

*H.3122, passed the House May 22, 1989.*

*Referred to Senate Medical Affairs Committee.*

*Recalled from Senate Medical Affairs and placed on the calendar in place of S.118, a Minors and Abortion bill.*

This bill would define the requirements that must be followed before an abortion could be performed on a minor. The major point of this legislation is to require parental consent before a minor under 17-years-old can obtain an abortion. The consent must be written and signed by one parent, or the legal guardian, and the minor daughter involved.

In divorce cases, written permission is needed only from the parent with custody. The minor may also petition the circuit or family court for consent, known as judicial by-pass.

The only exception to these consent requirements is in cases of incest, medical emergency or when the minor is unconscious as a result of battery. In cases of incest, doctors must report the crime to law enforcement within 24 hours. The House rejected rape as an exception to parental consent.

#### "Zero-Based" Budget Review

*H.3358, passed by the House May 3, 1989.*

*Referred to Senate Finance Committee.*

This bill would requires that 24 state agencies undergo a zero-based budget analysis every eight years. This review would be conducted by the subcommittees of the House Ways and Means and Senate Finance committees. During these hearings, each of the 24 agencies would have to justify all of its recurring expenses for the current fiscal year and any additional funding requested. The subcommittees would then make recommendations on increasing or decreasing agency funding to the full House Ways and Means and Senate Finance committees.

The 24 agencies included in the bill are the departments of Education; Mental Health; Mental Retardation; Corrections; Youth Services; Probation Parole and Pardon; Social Services. Vocational Rehabilitation; Health and Environmental Control; Parks Recreation and Tourism; Wildlife and Marine Resources; the University of South Carolina; the Medical University of South Carolina; Clemson; State TEC Board; Health and Human Services Finance Commission; Alcohol and Drug Abuse; Forestry Commission; Tax Commission; ETV; State Development Board; SLED; the Attorney General's Office, and the Highway Department.

#### Bond Bill from Even to Odd Years

*H.3792, passed the House May 11, 1989.  
Referred to Senate Finance Committee.*

The State Bond Bill would be authorized in odd-numbered, instead of even-numbered, years beginning in 1991, under this bill.

#### Nuclear Waste Consultation Committee

*H.3124, passed by the House February 9, 1989.  
Senate General Committee reported out favorably April 4, 1989.*

This House resolution would allow the nine-member state Nuclear Waste Consultation Committee to select its own chairman. Currently, the governor or his designee serves as committee chairman. This proposed provision would go into effect if the governor declines the chairmanship.

#### Rural Airport Emergency/Economic Development Fund

*H.3604, passed the House March 9, 1989.  
Referred to Senate Finance Committee.*

This bill establishes the Rural Airport Emergency/Economic Development Fund. The fund would be administered by the State Aeronautics Commission upon the recommendation of the Joint Bond Review Committee and the state Budget and Control Board.

The fund would be used for emergency construction of a public airport or landing strip to either maintain an existing facility or promote economic development. The commission would accept or reject a request for emergency construction from an airport, landing strip, state agency or political subdivision. If the request is accepted, the commission would determine the level of funding and forward its recommendation to the Joint Bond Review Committee, which would in turn make a recommendation to the Budget and Control Board for a final decision. Only airport capacity expansion, safety enhancement or navigational improvements could be recommended.



## Bills Still Before the House

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*The following bills are still pending before the House, either in committee or on the House calendar.*

### Bottle Bill

*H.3618, referred to House Agriculture and Natural Resources*

To encourage less littering and more recycling, this legislation would establish the parameters for redeeming and recycling beverage containers. Under this bill, each beverage container offered for sale in South Carolina would have a refund value of five cents or more. All containers must have their refund values affixed to them. To encourage reusable containers of uniform specifications to ease recycling, the ABC Commission would certify containers.

The bill would provide for the creation of redemption centers to promote the return and recycling of the containers.

Penalties for violating these provisions also are included in the bill.

### Freshwater Wetlands Protection

*H.3220, referred to House Agriculture and Natural Resources.*

This lengthy legislation would regulate the use of the state's freshwater wetlands. Permits, issued by the state Water Resources Commission, would be required for any activity in a wetlands protected area except for exemptions outlined in the bill. These exemptions include, in part, normal farming activities, normal silviculture (forestry) activities, routine maintenance of state-owned roads, duck blinds, any emergency activity, and installation of utility lines, among others. The bill outlines the procedures the Water Resources Commission must follow when approving or denying permitting applications. Those violating this proposed statute would face up to six months of imprisonment and/or a \$5,000 fine for the first offense. Each subsequent offense would carry up to a year in jail and/or a \$10,000 fine. An inventory of the state's freshwater wetlands is directed by the bill. This law would take effect 90 days after signature by the governor, if enacted.

### Consolidated Governments

*H.3484, referred to House Judiciary.*

The intent of this bill is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This bill provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivisions to provide for the joint administration of any function. This lengthy bill specifically prohibits the abolishment of any constitutional office by consolidation.

Under this bill, the county governing body would create a 12-member consolidated government charter commission to draw up the provisions of the consolidation. This commission could be created only upon the request of the county government or the petition of at least 10 percent of the county's registered voters.

The commission must complete its draft charter within a 12 month period. It would then be required to hold three public hearings and a countywide referendum on the issue. The charter would become effective if approved by a majority of the county's registered voters. However if the voters in the county seat or the largest city in the county reject the proposal, it is defeated. And if the referendum is approved countywide, but rejected by the voters in a municipality, the charter has no effect on that municipality.

### Lobbying Reform

*H.3534, referred to House Judiciary.*

This bill is an overhaul of current state laws on lobbying and lobbyists. Its purpose is to "publicly and regularly disclose ... the identity, expenditures and activities " of those who seek to influence state officials or employees in order to "preserve and maintain the integrity of the governmental policy making process."

The bill defines the term lobbyist. Those falling under the definition of lobbyist would be required to register with the State Ethics Commission within 15 days of employment as a lobbyist. A \$200 registration fee would be required of all lobbyists. This would be reduced to \$50 for those who lobby without salary or who do not spend money when lobbying.

A lobbyist list would be distributed to legislators, standing committees, study committees and state agencies. Each lobbyist would be required to keep records for five years listing who he lobbied for, how much he was paid to lobby by each client, and his total lobbying expenditures.

Annual activity reports would be filed by lobbyists with the Ethics Commission under this bill. State agencies would have to document their lobbying activities

The bill gives the Ethics Commission full authority to carry out the requirements of the bill, including investigation of complaints and subpoena powers. The commission also would have to develop all forms and issue identification cards for lobbyists. Falsifying information regarding lobbying activities would be a misdemeanor.

#### Helmet Law

*H.3079, referred to House Education and Public Works.*

Under this bill, anyone riding a motorcycle (or as the bill says a "two-wheeled motorized vehicle") must wear a helmet, and those driving must wear goggles or a face shield. Currently, the state helmet and goggles law applies only to riders under 21-years-old.

#### Presidential Straight Ticket Voting

*H.3198, referred to House Judiciary.*

This legislation would seek to correct the problem experienced by some voters during the last presidential election who voted a straight party ticket only to find out later it did not include the presidential candidates. This bill would require the straight party vote to include the offices of president and vice-president. Voters would still be able to vote individually for each office if they wished.

A presidential straight ticket provision was included in H.3088, the State-run Primary Bill. This provision was removed by the House before passage of H.3088 at the end of the session.

#### Folly Beach Exemption

*H.3245, recommitted to House Agriculture and Natural Resources.*

This bill seeks to exempt Folly Beach from the Beachfront Protection Act provisions. S.178, which also seeks to exempt Folly Beach, passed the Senate on April 13, 1989. This bill was referred to the House Agriculture and Natural Resources Committee.

#### Beach Management Trust Fund

*H.3084, on the House second reading contested calendar.*

This legislation would create in the state treasury the "Beach Management Trust Fund," overseen by an oversight committee.

Revenues for the funds would come from an additional one percent in accommodations tax in Beaufort, Charleston, Colleton, Georgetown and Horry counties. Seventy-five (75) percent of these new funds would go into the Beach Management Trust Fund, with the other 25 percent to be kept by the coastal counties where the collection was made.

Under this legislation, the state, through the Coastal Council, would determine critical eroding beaches in need of renourishment. With the approval of the Trust Fund Oversight Committee, the Coastal Council would use the Trust Fund to pay up to 60 percent of the cost of the renourishment, the local government paying the balance.

#### Child Education Savings Act

*H.3054, recommitted to House Ways and Means.*

This proposed act would allow the creation of a "Child's Education Savings Account." This account would be free from state taxation as long as it is used to pay for college education expenses. Any taxpayer contributing to such an account could take up to a \$3,000 state income tax deduction for contributions made to each account established. The child for whom the account is created must be a South Carolina resident and under 16-years-old. Disbursements from the account must be made to a college or university. Unqualified disbursements would be penalized.

#### Clean Indoor Air Act

*H.3303, referred to House Medical, Military, Public & Municipal Affairs.*

This bill would prohibit smoking, except in designated areas, in public indoor places, including schools; preschools; day care facilities; health care facilities, except private rooms; retail stores, including department and grocery stores; government buildings; elevators; food service establishments which seat 50 or more people; public transportation, except taxis; public theaters and auditoriums, and public laundry facilities. Violators would be guilty of a misdemeanor and face fines between \$10 and \$25.

### Highway Safety Bill

*H.3848, reported out by House Education and Public Works; referred to House Judiciary Committee, retaining its place on the calendar.*

This lengthy bill is a follow-up to last year's Highway Safety Act. This bill would:

- Increase punishment for first offense DUI.
- Require mandatory blood/alcohol testing in fatal or serious accidents.
- Suspend the driver's license of teens 13 to 21 for one year for conviction of certain alcohol and drug-related offenses.
- Suspend the driver's license of adults over 21 convicted of buying beer or wine for persons under 21.
- Raise the minimum age for driver's license.
- Increase speeding fines.
- Increase magistrate's court jurisdiction to accommodate higher penalties.
- Increase the jurisdiction of municipal courts and recorders to allow increased fines and imprisonment for driving offenses.
- Increase penalties for uninsured vehicles and for those who knowingly present false evidence that a vehicle is insured.
- Increase penalties for people driving with suspended, cancelled or revoked licenses.
- Increase penalties for passing a stopped school bus.
- Make it a 6 point violation to drive through a lowered railroad crossing gate.
- Increase punishment for reckless driving and for reckless homicide.

### Pari-mutuel Sports Act

*H.3796, on the House second reading contested calendar.*

This bill, a companion to S.432, outlines the provisions of the South Carolina Pari-mutuel Sports Act, which proponents contend would enhance the economic development and tourism of the state. The bill would create an 8-member South Carolina Racing Commission to oversee pari-mutuel wagering activities in the state. The bill goes into great detail regarding the governing of horse and greyhound racing in South Carolina. How the betting itself must be conducted is also outlined in detail in the bill. County and state fairs would be allowed to conduct one race a year under this legislation. The bill includes the criminal penalties resulting from violations of the act.

*Legislative Update, June 20, 1989*

The final section of the bill requires that a statewide referendum be conducted at the next general election to determine whether the voters favor pari-mutuel betting in connection with horse and greyhound races if the state receives a portion of the proceeds. The bill must receive a favorable referendum vote in order for it to go into effect.

Indigent Defense Services

*H.3522, on the House second reading contested calendar.*

This bill would establish the South Carolina Office of Indigent Defense Services, overseen by a commission by the same name. Among the duties of the Indigent Defense Services Office would be the development of guidelines for the delivery of indigent defense services statewide.

Shorter Legislative Session

*H.3383, on the House second reading contested calendar;  
Debate interrupted by adjournment.*

This constitutional amendment would change the opening of the legislative session from the second Tuesday in January to the second Tuesday in February. It would also require the State Senate to have organizational sessions following elections, as the House now has.

Spousal Sexual Battery

*S.223, on the House second reading contested calendar.*

This bill defines spousal sexual battery, a charge that could be brought when spouses are living together. Under spousal sexual battery, the spouse's conduct must be reported within 45 days and testimony of a witness other than the battered spouse is required for conviction. A spouse may be convicted of criminal sexual conduct if the couple is living apart. This bill deletes language requiring court ordered separation. The incident must be reported within 45 days and a charge brought.

Campaign Disclosure

*H.3521, on the House second reading contested calendar.*

This legislation would overhaul the current laws relating to campaign disclosures and campaign practices. In addition to updating the official definition of a candidate for public office, the bill would institute more stringent reporting of campaign contributions and expenditures

## Bills Introduced

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*Here are summaries of the significant bills introduced the week of May 29 through June 1. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.*

### *Agriculture and Natural Resources Committee*

S. C. Scrap Tire Disposal Act (H.4142, Rep. Harvin). This bill establishes the S. C. Scrap Tire Disposal Act of 1989 and directs DHEC to set standards for accumulation sites and disposal methods for scrap tires.

Each county will participate in the accumulation and disposal or may contract with private firms or among other counties. A fee may be charged for out-of-county disposal.

Effective January 1, 1991, a \$2 fee will be imposed on all automobile registration. One dollar and fifty cents will be returned to the county and fifty cents will be deposited into the Scrap Tire Grant Fund. This Fund will award grants to county disposal programs, technological development, research and development, education, investigations and reporting.

The Fund will be administered by a committee appointed by the DHEC director for three year terms and will consist of representatives from the S.C. Tire Dealers Association, the S.C. Association of Counties, S.C. Associates of Regional Councils, DHEC, tire manufacturers, a public interest and environmental group, S.C. Wildlife and Marine Resources, Governor's Office, and the general public. Penalties also are prescribed for noncomplying counties.

### *Judiciary Committee*

Restitution Program Changes (H.4132, Rep. J.W. Johnson). This bill would amend sections of the Code dealing with the Restitution Center Program. The bill clarifies the requirements of employment for those at the Center and extends from 6 months to 1 year the maximum residency, with an exception for those with prison terms of less than 1 year, whose residency requirement is from 45 to 90 days.



Twenty-Five Year Retirement (H.4141, Rep. Davenport). This bill makes all South Carolina citizens eligible for participation in the State Retirement System and entitled to benefits after 25 years of service.

*Medical, Military, Public and Municipal Affairs Committee*

Commission on Children and Families (H.4122, Rep. Corning). This bill creates the Commission on Children and Families. The Commission would consist of seven members appointed by the governor, with one member coming from each congressional district with the approval of the district legislative delegation. All nominees are to be screened by the Joint Legislative Committee on Children. Terms will be for four years.

The Committee must develop "a master plan for children and family services, to be reviewed annually which contains the State's overall policy statement for service provision, priorities and implementation..." This Commission will begin its functions by July 1, 1990. An advisory committee also will be established to assist the commission.